



**UNITED STATES PATENT AND TRADEMARK OFFICE**

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/974,782	10/09/2001	Barry Hubbard	T2108.CONT.CONT.CIP.CONT2

20449  
KARL R CANNON  
PO BOX 1909  
SANDY, UT 84091

**CONFIRMATION NO. 8125**

**FORMALITIES LETTER**



\*OC000000007019377\*

Date Mailed: 11/05/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$36.
  - \$36 for 4 total claims over 20.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 471.**

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

05/15/2002 BSAYASII 00000014 09974782 PART 2 - COPY TO BE RETURNED WITH RESPONSE

01 FC:201	370.00 OP
02 FC:202	210.00 OP
03 FC:203	234.00 OP
04 FC:205	65.00 OP



#5

Attorney Docket No. T2108.CONT.CONT.CIP.CONT2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: BARRY HUBBARD et al. )  
TITLE: ORTHOPAEDIC IMPLANT )  
WITH PROXIMAL COLLAR )  
SERIAL NO.: 09/974,782 ) RESPONSE TO NOTICE TO  
FILED: October 9, 2001 ) FILE MISSING PARTS OF  
NONPROVISIONAL  
APPLICATION  
EXAMINER: \_\_\_\_\_ )  
ART UNIT: 3738 )  
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Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed November 5, 2001, applicant responds as follows:

X Small Entity Status is hereby claimed.

X Pursuant to 37 C.F.R. 1.136(a), it is respectfully requested that the shortened statutory period which was set for responding to the communication dated

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Certificate of Deposit Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231, on the 13 day of May, 2002.

05/15/2002 ESYASII 00000014 09974782

06 FC:218

720.00 DP

  
Karl R. Cannon  
Attorney Registration No. 36,468  
Attorney for Applicant

November 5, 2001, be extended for four months until May 5, 2002.

Please find enclosed herewith the following items for filing in the United States Patent and Trademark Office in connection with the above-identified patent application:

- i. Declaration and Power of Attorney executed by the inventors Barry Hubbard, Timothy McTighe, Jerry Kee, and Paul Mraz (copy from prior application pursuant to 37 C.F.R. § 1.63(d));
- ii. Assignment from the inventors Barry Hubbard, Timothy McTighe, Jerry Kee, and Paul Mraz to Ortho Development Corporation;
- iii. Copy of the Notice to File Missing Parts of Application-Filing Date Granted;
- iv. A Preliminary Amendment;
- v. Petition for a four-month extension;
- vi. Check No. 5023 in the amount of \$1,639.00 to cover the filing fee for the above-identified application, the recordation fee for the enclosed

patent assignment, and the surcharge fee pursuant to 37 C.F.R. § 1.16(e). These fees have been calculated as follows:

Basic filing fee for a Small Entity	= \$370.00
26 Claims in excess of 20 (x \$9)	= \$234.00
5 Independent Claims in excess of 3 (x \$42)	= \$210.00
Assignment recordation fee	= \$ 40.00
Fee for a four-month extension of time	= \$720.00
Surcharge fee for a Small Entity	= \$ 65.00
TOTAL = \$1,639.00	

Please debit any additional fees, or credit any overpayment, to Deposit Account No. 50-0836.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or to credit any overpayment to Deposit Account No. 50-0836.

- Any additional filing fees required under 37 C.F.R. § 1.16.
- Any patent application processing fees under 37 C.F.R. § 1.17.

The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 50-0836.

- Any patent application processing fees under 37 C.F.R. § 1.17.
- The issue fee set in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).
- Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.

Please direct all future correspondence in connection with this application to:

Customer No. 20449

Please direct all telephonic and facsimile communications to:

Karl R. Cannon

Telephone: (801) 255-5335  
Facsimile: (801) 255-5338

Please reference the below provided attorney docket number in all communications:

T2108.CONT.CONT.CIP.CONT2

Please address all future correspondence in connection with this case to the attention of the undersigned.

Dated this 6 day of May, 2002.

Respectfully submitted,



Karl R. Cannon  
Karl R. Cannon  
Attorney Registration No. 36,468  
Attorney for Applicant

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KRC/kd

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